

ORDINANCE NO. 10-005

ORDINANCE OF THE COUNCIL OF THE CITY OF DIXON
ADDING CHAPTER 11.06 TO TITLE 11 OF THE DIXON MUNICIPAL
CODE

THE COUNCIL OF THE CITY OF DIXON ORDAINS AS FOLLOWS:

SECTION 1. Chapter 11.06 of Title 11 of the Dixon Municipal Code is hereby adopted to read as follows:

CHAPTER 11.06

BINGO GAMES

Article 1

GENERAL PROVISIONS

11.06.010 Definitions.

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this section.

- A. **Bingo Game** or **Bingo** means a game of chance in which prizes are awarded on the basis of designated numbers of symbols on a card which conform to numbers or symbols selected at random.
- B. **License** means that license as required by this Chapter.
- C. **Organization** means a mobile home park association, senior citizens organization, or any group, association or corporation exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701i, or 23701w of the Revenue and Taxation Code.
- D. **Remote Caller Bingo Game** shall have the definition ascribed to it in Section 326.3(u)(1) of the Penal Code.

Article 2

BINGO GAMES FOR CHARITY

11.06.210 License required.

No bingo game shall be allowed unless the proceeds of such games are used only for charitable purposes and a license is first obtained from the City. Licenses shall be effective only for a calendar year or part thereof in which issued.

11.06.220 Application for licenses, required contents, form.

A. An application for a bingo license shall be filed in the office of the Chief of Police; shall be signed and verified by the applicant, and shall set forth the following information:

1. The name and address of the organization to which the license will be issued.
2. The name, address and telephone number of the applicant, who shall be a duly authorized representative of the applying organization.
3. The name, address and telephone number of the president or chief officer of the applying organization.
4. The name, address and telephone number of the person who has custody of the financial records of bingo games which records are required by the provisions of this Chapter.
5. The location where such bingo game is intended to be held.
6. The specific dates upon which bingo games are to be conducted and the hours thereof.
7. A schedule of fees or charges to be collected from players for each bingo game, or for different varieties of bingo games to be conducted, and of the dollar amount or value of the prizes to be awarded for each separate game.

B. Each such application shall be accompanied by a written resolution of the governing board or body of the organization, signed by the president or chief officer of said organization, authorizing the application for a bingo license and stating the authorization for said organization to conduct bingo games.

11.06.230 Application for license; Fees; Investigations.

A. All applications for bingo licenses or renewals of bingo licenses shall be accompanied by a non-refundable fee of Fifty Dollars (\$50.00).

B. The Chief of Police shall verify that the organization applying is authorized to conduct bingo games as set forth in this Chapter and shall verify that the place where bingo games will be conducted is owned or leased by it, or donated to it, and that said property is used by such organization for an office or for performance of the purposes for which the organization is organized.

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C. The Chief of Police shall also verify that:

1. The conduct of such bingo games at the times and at the place indicated will not disturb the peace of the neighborhood and will not create substantial traffic or parking problems; and
2. Neither the applying organization, nor any person listed in the application, has violated any laws or regulations of the City regarding building, fire, health or safety, and that the applicant has not knowingly and with intent to deceive made any false, misleading, or fraudulent statement of facts in the application or in any of the documents required in conjunction with the application.

11.06.240 Issuance or denial of licenses; non-transferability; conditions.

A. Licenses shall be granted only to authorized organizations as defined in this Chapter.

B. The Chief of Police shall not issue a license to any applicant if he or she cannot certify any one of the findings required by this Chapter to be made, or if it appears from the application that the conduct of such games would be in violation of any of the terms, conditions and requirements of this Chapter.

C. No license issued pursuant to this Chapter shall be transferable.

D. The Chief of Police may, at his sole discretion, condition the issuance of a license upon a requirement that the applicant provide such security measures as the Chief of Police deems necessary to ensure the public safety at all bingo games held pursuant to the license. Failure to comply with any such condition shall be a violation of this Chapter and grounds for suspension or revocation of the license.

11.06.250 Suspension or revocation of licenses; hearings; appeals; notices.

A. Licenses to conduct bingo games shall be suspended by the Chief of Police for a period up to thirty (30) days if the licensee has violated any of the provisions of this Chapter. Prior to such suspension, the licensee shall be given notice and the opportunity to be heard.

1. Such hearings shall be before the Chief of Police, and a notice containing the grounds set forth for the proposed suspension shall be given at least five (5) days prior to such hearing.
2. Any person may appeal, in writing, the ruling of the Chief of Police to the City Council, within ten (10) days after said ruling has been rendered.

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3. Upon the mailing of the notice of suspension, the licensee organization shall not conduct any bingo games for the duration of the suspension or until such time as the City Council acts favorably on the appeal.
- B. If the Chief of Police, in his discretion, determines that revocation is warranted, he shall request the City Council to revoke said license.
1. The City Council shall thereupon set a public hearing to consider the revocation, and shall cause notice to be issued to the licensee of such hearing at least ten (10) days prior to the hearing.
 2. The City Council may revoke any bingo license upon a finding that any provision of this Chapter has been violated.
 3. No organization whose license has been revoked may reapply for a bingo license within one (1) year of such revocation.

11.06.260 Records, right of inspection.

A. Licensees shall keep and maintain full records and accounting and shall detail the amount of money obtained from players, the amount of money or value of prizes given for each game played, and the disposition of any funds generated by the conduct of bingo games.

B. The City shall have the right to inspect and audit such records at any reasonable time, and shall conduct such an audit at least bi-annually. In addition, the Chief of Police may request said records when the licensee applies to renew its annual license. Any audit conducted pursuant to this section shall be at the sole cost of the licensee.

11.06.270 Conduct of bingo games.

A. No person shall receive or pay a profit, wage or salary from any bingo game.

B. No minors (under the age of 18 years old) shall be allowed to participate in any bingo game.

C. A licensee shall conduct bingo games only on property owned or leased by it, or property where use of the property is donated to the organization, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this Chapter shall be construed to require that the property owned or leased by the organization be used exclusively by such organization.

D. All bingo games shall be open to the public and shall not be limited to just the members of the organization.

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E. A bingo game shall be operated, staffed, promoted, conducted and supervised only by members of the licensee organization and such members shall receive no profit, wage or salary from any such bingo game. This subdivision does not preclude the employment of security personnel, who are not members, at such bingo games.

F. No individual, corporation, partnership, or other legal entity except the licensee organization shall hold a financial interest in the conduct of any bingo game.

G. With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes.
2. A portion of such proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or one thousand dollars (\$1,000.00) per month, whichever is less, may be used for the rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel.
3. Such proceeds may be used to pay license fees.

H. No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

I. The total value of prizes awarded during the conduct of any bingo game shall not exceed Two Hundred Fifty Dollars (\$250.00) in cash or kind, or both, for each separate game which is held.

J. Remote caller bingo games are prohibited unless they are conducted by an organization that has been granted a remote caller bingo license pursuant to Article 3.

11.06.280 Violation; public nuisance.

A. A violation of any of the provisions of this Chapter is a misdemeanor.

B. In addition to the criminal penalties provided by this Chapter, violation of any provision of this Chapter is a public nuisance which may be abated by the City. The City may bring an action to enjoin any violation of this Chapter.

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Article 3
REMOTE CALLER BINGO GAMES

11.06.310 Authorized

Remote caller bingo may be lawfully played in the City pursuant to the provisions of Sections 326.3 and 326.4 of the California Penal Code, and this Article, and not otherwise. Any organization wishing to conduct remote caller bingo games shall, in addition to the bingo license required by Article 2, be required to obtain a remote caller bingo license.

11.06.320 Qualified organizations.

An organization shall be permitted to obtain a remote caller bingo license pursuant to this Article if:

- A. The organization has been incorporated or in existence for three years or more;
- B. The organization possesses a valid license pursuant to Article 2 of this Chapter;
and
- C. The operation of bingo games is not the primary purpose for which the organization is organized.

11.06.330 License application and fee.

An application for a license to conduct remote caller bingo games shall be in a form prescribed by the Chief of Police and shall be accompanied by a non-refundable fee of Fifty Dollars (\$50). However, if an organization applies for both the license required by Article 2 of this Chapter and for a remote caller bingo license at the same time, the total non-refundable fee for the applications shall be Fifty Dollars (\$50). To the extent possible, the Chief of Police shall integrate the process for obtaining a license under this Article with the process for obtaining the license in Article 2 of this Chapter. The following documentation shall be attached to the application, as applicable:

- A. A certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the Bank and Corporation Tax pursuant to Section 23701d of the Revenue and Taxation Code.
- B. Other evidence as the Chief of Police determines is necessary to verify that the applicant is a duly organized mobile home park association of a mobile home park situated in the county.

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11.06.340 License application verification.

The license shall not be issued until the Chief of Police has verified the facts stated in the application and determined that the applicant is qualified.

11.06.350 Annual licenses.

A license issued pursuant to this Article shall be valid until the end of the calendar year, at which time the license shall expire. A new license shall only be obtained upon filing a new application and payment of the license fee. The fact that a license has been issued to an applicant creates no vested right on the part of the licensee to continue to offer remote caller bingo for play. The City Council expressly reserves the right to amend or repeal this Article at any time. If this Article is repealed, all licenses issued pursuant to this Article shall cease to be effective for any purpose on the effective date of the repeal.

11.06.360 License conditions and conduct of remote caller bingo games.

A. Any license issued pursuant to this Article shall be subject to the conditions contained in Sections 326.3 and 326.4 of the Penal Code, and each licensee shall comply with all the requirements of those provisions.

B. Any license issued pursuant to this Article shall also be subject to all of the provisions of Article 2, subject to the following exceptions:

1. Sections 11.06.210, 11.06.270.A, 11.06.270.E, 11.06.270.F and 11.06.270.G shall not be construed to prohibit any organization conducting remote caller bingo games from retaining the services of administrative, managerial, technical, financial, and security personnel in a manner consistent with the provisions contained in Sections 326.3 and 326.4 of the Penal Code.
2. Section 11.06.270.C shall not be construed to prohibit a licensee from entering into an agreement with other organizations, as that term is defined in Section 11.06.010.C, to cosponsor a remote caller bingo game in a manner consistent with the provisions contained in Sections 326.3 and 326.4 of the Penal Code.
3. Section 11.06.270.I shall not apply to remote caller bingo games conducted in compliance with Sections 326.3 and 326.4 of the Penal Code.

C. Each license issued pursuant to this Article shall be subject to the following additional conditions:

1. Bingo games shall not be conducted by any licensee on more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.

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2. The licensed organization is responsible for ensuring that the conditions of this Chapter and Sections 326.3 and 326.4 of the Penal Code are complied with by the organization and its officers and members. A violation of any of those conditions or provisions shall constitute cause for the revocation of the organization's license.
3. The proceeds of remote caller bingo games shall be used only for charitable purposes.

D. The Chief of Police may, at his sole discretion, condition the issuance of a license upon a requirement that the applicant provide such security measures as the Chief of Police deems necessary to ensure the public safety at all bingo games held pursuant to the license. Failure to comply with any such condition shall be a violation of this Chapter and grounds for suspension or revocation of the license.

11.06.370 Suspension, revocation and appeal of remote caller bingo license.

Suspensions, and revocations of remote caller bingo licenses, and their appeals, shall be governed by the procedures for suspension, revocation and appeal contained in Article 2 of this Chapter.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Dixon hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 4. The City Clerk is hereby directed to publish this Ordinance within fifteen (15) days after its passage at least once in a newspaper of general circulation published in the City of Dixon or to post it in at least three (3) public locations in the City of Dixon..

* * *

The foregoing Ordinance was introduced at a regular meeting of the Dixon City Council duly held on April 27, 2010, and was approved and enacted at a duly held regular meeting of the City Council held on May 11, 2010 by the following vote on roll call:


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AYES: Besneatte, Cayler, Ceremello, Fuller, Batchelor

NOES: None

ABSTAIN: None

ABSENT: None


Mayor

Attest:


City Clerk

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